

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF) APPEAL NO. 06-A-2109
FERDINAND J. SCHLAPPER from the decision of) FINAL DECISION
the Board of Equalization of Ada County for tax year) AND ORDER
2006.

RESIDENTIAL PROPERTY APPEAL

THIS MATTER came on for hearing October 17, 2006, in Boise, Idaho, before Hearing Officer Sandra Tatom. Board Members Lyle R. Cobbs and David E. Kinghorn participated in this decision. Appellant Ferdinand Schlapper did not arrive until after the hearing record was closed. Chief Deputy Tim Tallman and Deputy Assessor Diana Kelly appeared for Respondent Ada County. This appeal is taken from a decision of the Ada County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. R8226690070.

The issue on appeal is the market value of a residential property.

The decision of the Ada County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is \$114,000, and the improvements' valuation is \$338,900, totaling \$452,900. Appellant does not contest the land value of \$114,000, but requests the improvements' value be reduced to \$266,100, totaling \$380,100.

The subject is a 2,510 square foot single-family residence together with .23 acres of land, located on the "rim" in Boise, Idaho. The subject was built in 1998 and remodeled in 2002.

Appellant did not arrive at the hearing location until after the record was closed.

However, from the existing record it was noted Appellant claimed that one of the bedrooms should be counted as a den, not a bedroom.

Appellant further contended that the replacement cost of an identical residence near subject together with subject's lot value came to \$380,100. Appellant also suggested the percent of increase in assessed value of subject has been greater than that of neighboring properties for the last six years.

The Appellant purchased the property in December 2002 for \$370,000. The property was reappraised by the Assessor in 2004, and trended for the past two years.

Respondent presented a market value history of the subject and confirmed the assessed values of property in the subject area were trended for the 2006 tax year. Respondent also submitted three comparable sales to support the assessed value. The comparables were located in the same subdivision as subject.

The County's sales comparison grid illustrated the adjustments made to the comparable sales for differences in square footage, fireplaces and the number of bathrooms, in order to arrive at an indicated value for the subject. The values on the comparable sales ranged from \$453,314 to \$472,241. Subject has an assessed value of \$452,900. Comparable number two was located two doors from subject property and sold twice in 2005, once in June for \$419,000 and again in August for \$444,000. This indicated a 5.9% increase in two months. The adjusted sales indicated a subject value ranging from \$180 to \$188 per square foot for the comparables. Subject is assessed at \$180.43 per square foot.

Respondent submitted 2006 assessed lot values for subject subdivision indicating that a size range from .26 acres to .54 acres and a value range between \$145,950 and \$251,000.

An analysis of market trends for 2005 was submitted. The analysis compared 2005 sale prices to the associated assessed values of residential property. The County Appraiser explained that assessments must be at 100% of market value according to statute.

The County maintained subject's 2006 assessed value was derived from consideration of sales, and that the subdivision properties are equitably assessed.

Respondent addressed Appellant's bedroom versus den concern, and contended a bedroom must have a closet to be considered a bedroom and normally a den does not have a closet. Respondent noted the issue of bedroom versus den does not change the assessed value.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho Code Section 63-208. Rules pertaining to market value – Duty of Assessor: “Rules promulgated by the State Tax Commission shall require each assessor to find market value for assessment purposes.”

Idaho Code Section 63-201(10) defines market value:

“Market Value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Appellant did not submit any recent sales information, appraisals or other factual information quantifying the market value of subject property. Appellant's case was constructed around the claim that subject's assessed value was too high.

The County's three comparable sales were similar to the subject in location and view, and were adjusted for differences from subject. Respondent's exhibits included support for subject's assessed value.

This Board finds the County Assessor considered the known elements affecting subject's probable market value.

Idaho Code § 63-511(4). Appeals from county board of equalization.

In any appeal taken to the board of tax appeals or the district court pursuant to this section, the burden of proof shall fall upon the party seeking affirmative relief to establish that the valuation from which the appeal is taken is erroneous, or that the board of equalization erred in its decision regarding a claim that certain property is exempt from taxation, the value thereof, or any other relief sought before the board of equalization. *A preponderance of the evidence shall suffice to sustain the burden of proof.* The burden of proof shall fall upon the party seeking affirmative relief and the burden of going forward with the evidence shall shift as in other civil litigation. The board of tax appeals or the district court shall render its decision in writing, including therein a concise statement of the facts found by the court and the conclusions of law reached by the court. The board of tax appeals or the court may affirm, reverse, modify or remand any order of the board of equalization, and shall grant other relief, invoke such other remedies, and issue such orders in accordance with its decision, as appropriate. (*Emphasis added.*)

This Board finds Appellants did not prove by a preponderance of evidence that the relief claimed was warranted. Therefore, this Board finds for Ada County and will affirm the decision of the Board of Equalization.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Ada County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

DATED this 31st day of January, 2007.